

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

08 C 1370

JURY TRIAL DEMANDED

plaintiff's claim as required under 28 U.S.C.A. §2675(a). Because it has been more than six months since plaintiff has filed her administrative claim, plaintiff is now entitled to institute this action pursuant to 28 U.S.C.A. §2675(a).

4. Jurisdiction is proper pursuant to 28 U.S.C. §1402(b). Venue is also proper under 28 U.S.C. §1391 because plaintiff has suffered injury in the City of Chicago, County of Cook, State of Illinois.

5. On January 26, 2005, while plaintiff was an airline passenger proceeding through the security screening checkpoint at Midway Airport in Chicago Illinois, operated and staffed by the TSA, defendant's employee and agent, Francisco Partida, was acting within the course and scope of his employment with defendant, TSA as a security screener.

6. On January 26, 2005, plaintiff, while at Midway Airport in Chicago, Illinois, was proceeding through the security screening process and metal detectors. At that time, TSA employee or agent, Francisco Partida, acting within the course and scope of his duties as an employee and agent of defendant, was handling the plastic screening trays adjacent to plaintiff and, without warning, dropped one or more loaded plastic trays onto the wrist, hand and arm of plaintiff, Dawn Pajowski Menor, causing serious and permanent injuries.

7. At all times herein, defendant and defendant's agent or employee, Francisco Partida, owed plaintiff, Dawn Pajowski Menor, the following duties:

- (a) to refrain from careless conduct which could cause harm and injury to plaintiff;
- (b) to properly and safely screen plaintiff's personal belongings so as not to create a dangerous or harmful condition;
- (c) to properly train and supervise its employees so as not to harm plaintiff or other passengers;

- (d) to warn plaintiff and other passengers as to dangerous or hazardous conduct;
- (e) to carefully handle the plastic screening trays to avoid causing injury to passengers such as plaintiff subject to security screening; and
- (f) any other further duty which may be revealed through discovery.

8. As a direct and proximate result of one or more of the above breaches of duty by defendant, through its agent, Francisco Partida, plaintiff, Dawn Pajowski Menor, was caused to sustain injuries to her hand, finger, wrist and arm and was otherwise injured, was prevented from her normal gainful employment, suffered great pain of body and mind, and incurred expenses for medical attention and surgery.

WHEREFORE, plaintiff, **DAWN PAJOWSKI MENOR**, demands judgment against defendant, **DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION**, in an amount in excess of **ONE HUNDRED EIGHTY-FIVE THOUSAND AND 00/100 DOLLARS (\$185,000.00)**, for past and future medical expenses, lost wages, loss of future wages, pain and suffering, costs of this matter, and any other relief that is deemed appropriate.

Respectfully submitted

THEISEN & ROCHE, LTD.

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